



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF THE SECRETARY

**2022 Agency Equity Plan related to Executive Order 13985**

**Executive Summary**

As we enter a new era of possibility for our nation, education must be at the forefront of our recovery, rebuilding, and resiliency efforts. As educator Horace Mann stated, education has the capacity to be the “great equalizer.” From pre-K through postsecondary and adult learners, education has the power to bring the American Dream within reach of every individual, lift communities, draw people together, strengthen our democracy, drive our economy, and meet our nation’s vast potential. To meet this potential, our nation’s education system must reckon with and address the long-standing disparities that students from underserved communities face in achieving equal education opportunity.

The U.S. Department of Education (Department) has an opportunity and a responsibility to support states, districts, schools, institutions of higher education, educators, families and, ultimately, students in delivering on America’s promise of education. Its stated mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access. To fulfill this mission, the agency must embed equity throughout its operations and mission to meet the needs of every learner. Under the Secretary’s leadership, the Department has established strategic priorities based on feedback obtained directly from those whom we serve: children and students of all ages, educators in all roles, parents and families, and their communities.

As we support educators to do their best work in elementary and secondary classrooms, in addition to supporting states and districts, we will provide the resources and tools to help them meet students’ holistic needs, ranging from their academic growth to their social and emotional development, and their mental health. Using the science of learning and development as a foundation, we will highlight the connections among robust academic achievement, innovative methods of instruction, and the welcoming, safe, supportive environments for learning that must exist for students to thrive.

To support education beyond high school, we will work to increase access to colleges and universities, improve completion rates, expand digital literacy, further close the digital divide, create on-ramps from postsecondary education to high-quality jobs and careers, and ensure that our postsecondary education efforts create pathways to emerging industries and sectors at every level of education and training. We seek to build a new vision of college excellence to put student success first and challenge institutions to address low rates of college completion and large gaps in outcomes for students of color. In doing all this work, we will strengthen the continuum of education to meet the needs of the 21st century and our globally competitive economy.

Consistent with the priorities of the Biden-Harris Administration, the Department has and is focused on strengthening the agency’s processes, policies, strategies, and culture to ensure equity is the foundation upon which all decisions and protocols rest, and to strengthen the agency’s work and build on its impact. We further recognize that in order to maximize opportunities to promote and implement equity throughout the work of the agency and do the work at the level in which we are most swiftly and efficiently garnering change, we require resources—including increased workforce capacity. In this way, we can guarantee that the transformative changes last long beyond the life of Executive Order 13985 and uphold our mission of ensuring equal access in educational opportunities and excellence for all students.

### **Summary of Early Accomplishments**

Some of the challenges confronting our educational system have been longstanding, but the Department has successfully ramped up efforts to ensure that students, especially those from underrepresented backgrounds, as well as families, educators, and borrowers have access to the resources and support they need to be successful. On January 20, 2021, fewer than half of K-12 students were learning in person. Similarly, many postsecondary institutions either delayed the start of their spring semesters or began the terms with virtual instruction. Just a year later, nearly all students are back in school and learning in person with caring teachers, faculty, staff, and administrators. Across the country, K-12 and postsecondary institutions are establishing new programs and supports to address the impact of the pandemic on students’ learning and mental health.

To achieve this goal of helping America’s education system cope with the pandemic, the Department distributed unprecedented resources to states, districts, K-12 schools, and postsecondary institutions, including funding, guidance, and technical assistance to help educators meet the needs of all students, especially those disproportionately impacted by the pandemic. **The Elementary and Secondary School Emergency Relief fund of the American Rescue Plan Act of 2021 (ARP ESSER) invested \$122 billion to help K-12 schools safely reopen, stay open, and address the academic, social, and emotional needs of all students.** With these resources, schools across the country, from Vermont to Hawaii, are hosting vaccination clinics. Many districts, like DeKalb County, Georgia, have improved ventilation in their schools. Washington Local Schools, in Ohio, hosted its first summer camp, for students in grades K-3, which included a focus on academics. Arkansas created the Arkansas Tutoring Corps. New York City is hiring hundreds of school social workers. And Gaston County Schools, in North Carolina, used ARP ESSER funds to double nursing staff and secure a nurse for each of their 54 school locations so nurses no longer have to split their time between two buildings.

The Department also distributed \$40 billion through the ARP to more than 5,000 colleges and universities to help students access a high-quality education and the academic, emotional, and financial supports needed to thrive and safely return to on-campus, in-person instruction and activities. The ARP is one of the largest single investments ever made in American higher education—for both students and institutions.

Approximately half of this funding went directly to students—those with the greatest financial need—in the form of emergency financial aid to assist with educational expenses as well as costs associated with basic needs (e.g., housing, food, transportation) impacted by the coronavirus. The Department released more than \$10 billion to community colleges, \$2.7 billion to Historically Black Colleges and Universities (HBCUs), \$192 million to Tribal Colleges and Universities (TCUs), and more than \$13 billion to Minority Serving Institutions (MSIs), such as Hispanic Serving institutions (HSIs) and Asian American and Native American Pacific Islander-serving institutions (AANAPISIs). This support is in addition to the Department’s investment of nearly \$1 billion in grant funds to the nation’s most under-resourced institutions and discharging approximately \$1.6 billion of infrastructure debt provided to HBCUs that participate in the HBCU Capital Financing Program.

Further, the Department invested **more than \$3 billion in ARP funds to support children with disabilities who were** disproportionately impacted by the pandemic and its disruptions to in-person learning. These resources are specifically aimed at helping more than 7.9 million infants, toddlers, and students served under the Individuals with Disabilities Education Act recover from the pandemic and succeed in the classroom. Recipients of the funds used the resources for hiring additional special education personnel, upgrading technology in schools, procuring professional development for special educators and new educational materials for classrooms, supporting transportation for students with disabilities, and funding before and after-school programs.

In this moment of national crisis, the Department has redoubled its efforts to support student loan borrowers, many of whom struggled with unemployment, reduced work hours, and other financial stressors brought on by the pandemic. The Department’s initial efforts to provide targeted loan relief has already led to the approval of \$15 billion in student loan cancellation for more than 670,000 borrowers, encompassing [\\$1.5 billion](#) to borrowers who have been taken advantage of by their institutions, \$7.8 billion for over 400,000 borrowers who have a total and permanent disability, and [\\$1.26 billion](#) to over 100,000 borrowers who attended the now-defunct ITT Technical Institute. These efforts have particularly helped low-income borrowers and Black Americans, who rely more heavily on student loans due to a host of financial inequities, such as under-employment, pay disparities, and the racial wealth gap.

In October 2021, the Department also revamped the Public Service Loan Forgiveness (PSLF) program, which allows borrowers to study for and work in jobs that may be lower-paying without being overly burdened by student loan debt, announcing [changes](#) to the program to allow borrowers to [receive credit](#) for past periods of repayment on loans that may not otherwise qualify for PSLF. Prior to these changes, and since 2017, which was the first time a borrower was eligible for forgiveness, 16,000 borrowers have received forgiveness. Since the program improvements were announced—between October 2021 and January 2022—more than 70,000 additional borrowers have been helped. This has resulted in nearly \$5 billion in relief, which has had an effect on families’ pocketbooks and long-term financial outlook. The Department also communicated with hundreds of thousands of public service workers to let them know the minimum number of payments they would gain credit for towards loan forgiveness under these temporary changes.

For these and other significant initiatives related to the pandemic, the Department also re-focused on building a robust stakeholder engagement process related to school and campus reopening efforts and equity, and has prioritized those most impacted—students, families, and educators. The agency regularly engages with a wide variety of stakeholders to ensure the voices of underserved communities are part of our planning processes. The Department has conducted many listening sessions with stakeholders to listen to top line priorities and gain a better understanding of the primary needs for students, educators, families, schools, institutions, and campus communities during the COVID-19 pandemic. These sessions included students, educators, families, schools, institutions of higher education, unions, civil rights organizations, and policy and community advocates to capture the diverse perspectives on student, staff, school, and campus needs. Additionally, the Department took steps to ensure that sessions were expanded to be inclusive of groups that have traditionally not had access to agency leadership.

These efforts also encompassed substantial outreach to students, families, educators, and other stakeholders on a wide array of civil rights issues to lift up the importance of nondiscriminatory access to educational opportunities as a vital part of the Department’s equity agenda. Through convenings, fact sheets and Q&A resources, and a national public hearing, the Department’s Office for Civil Rights (OCR) undertook an extensive campaign to raise awareness of the civil rights laws it enforces and the responsibilities of schools and postsecondary institutions to provide educational environments free from discrimination. Among its public releases to support equity in education were a report on [Education in a Pandemic: The Disparate Impacts of COVID-19 on America’s Students](#); a [Q&A on Civil Rights and School Reopening in the COVID-19 Environment](#); resources on [confronting discrimination based on national origin and immigration status](#), [confronting COVID-19-related harassment targeted at Asian American and Pacific Islander students](#), [and confronting harassment against LGBTQI+ students](#), and [supporting intersex students](#); a national, virtual convening on the nondiscriminatory use of school discipline; and resources to [support students at risk for self-harm or suicide](#) and to [support students with long COVID](#). OCR continued to respond to thousands of complaints under civil rights laws prohibiting discrimination based on race, color, national origin, sex, disability, and age; OCR launched a comprehensive review of its actions to Title IX, which prohibits sex discrimination in education programs and activities that receive federal funding. As part of its review, OCR conducted the Department’s first-ever virtual public hearing on Title IX, bringing together an extraordinary range of voices and views. In addition, OCR issued a Q&A resource explaining how OCR interprets schools’ current obligations under the Title IX regulations. Finally, OCR announced that it anticipates publishing a Notice of Proposed Rulemaking to amend the Department’s Title IX regulations in April 2022; and confirmed its interpretation that Title IX prohibits discrimination based on sexual orientation and gender identity.

## **Equity Action Plan**

### **ACTION: College Access and Completion**

Postsecondary attainment continues to be an inequitable opportunity for traditionally underserved populations as accessibility, affordability, equitable funding, and verification remain barriers to a postsecondary degree or certificate. The agency is helping under-resourced colleges and universities proactively use data and evidence and expand proven strategies to strengthen their commitments to diversity and accessibility by increasing graduation rates, improving career outcomes, and eliminating equity gaps. Through this work, the Administration aims to ensure education beyond high school is:

- **Accessible.** For too many students, college is out of reach. While more than two-thirds of white adults have education beyond a high school diploma, only 43 percent of Hispanic or Latino adults and 56 percent of Black adults do. Missing out on the ability to attend college, because of less academic preparation or even financial constraints, means losing out on the economic benefits of a postsecondary degree or certificate.
- **Affordable.** The cost of postsecondary education is a key reason that students do not enroll or leave college before completing. Though federal financial aid helps make college accessible, the long-term financial burden has increased for students and families—the purchasing power of the Pell Grant has diminished over time, and for some students applying for this support can be challenging. Loans are an important tool students use to access postsecondary education, but many borrowers struggle to repay. Before the federal student loan pause, more than a million borrowers defaulted on their student loans each year, most of whom are borrowers of color, low-income, or never finished college.
- **Equitably Funded.** Community colleges, state regional universities, and HBCUs, TCUs, and MSIs including Predominantly Black Institutions (PBIs), HSIs, AANAPISIs, Alaska Native and Native Hawaiian-Serving Institutions (ANNHs), and Native American-Serving Nontribal Institutions (NASNTIs)—some of the nation’s most inclusive colleges—disproportionately serve low-income students and students of color, but typically receive less education revenue per student than four-year flagship institutions. For too long, we have expected these institutions to carry the disproportionate responsibility to educate our students of color and low-income students with fewer resources to do it without providing the full support needed to do so.
- **Valuable.** Only 60 percent of students earn a bachelor’s degree within six years (including 48 percent of Black students and 52 percent of Latino students) and employment outcomes vary widely. At two-year schools, only about [a third](#) of students complete within 1.5 times the length of the program. Some institutions and programs—including several offered by for-profit institutions—offer little value to their graduates and disproportionately, those institutions market their efforts to, and enroll, students of color and low-income students.

**Affordable**—A critical component of our work is our strategy to address the disproportionate impact of default on vulnerable populations of student loan borrowers, and the disproportionate burden of student debt on borrowers of color (including borrowing levels, borrowing frequency,

and repayment over time including amount of principal paid). To create a more equitable repayment system—(1) we have already completed a negotiated rulemaking to create a more accessible and equitable repayment plan that considers the disproportionate impact of interest on borrowers of color; (2) halted collections for defaulted borrowers, including borrowers with older Federal Family Education Loan Program (FFELP) loans, (3) continued the payment pause during the pandemic; (4) provided targeted relief to eligible borrowers; and (5) improved coordination with state officials overseeing student loan companies to ensure protections for vulnerable borrowers.

**Accessible**—As one thread of its robust college access strategy, the Department is committed to addressing the barriers low-income students face in applying for, and receiving, federal student aid to enroll in postsecondary education. To address these barriers, the Department is committed to simplifying the process to receive federal student aid by improving the Free Application for Federal Student Aid (FAFSA), reducing the verification burden on students receiving financial aid, and working with Congress to increase Pell Grants.

**FAFSA Simplification and Verification**—Students must fill out the FAFSA every year to receive aid. Students cannot get federal financial aid if they do not complete the FAFSA and any required verification. If we want more students who are low-income, especially students of color, to enroll in postsecondary education, it is crucial to eliminate barriers to obtaining necessary financial resources like those offered through the FAFSA. This is particularly important as college enrollment keeps declining. Making simplifying improvements to the FAFSA will result in a shorter form that is easier to complete. A simpler, easier-to-understand form will reduce the odds that a student will fail to complete it due to complexity or intimidation.

There are many barriers currently associated with filling out the FAFSA. Many students can use a tool with the Internal Revenue Service (IRS) to transfer their financial information when completing the FAFSA, but this cannot occur automatically and is not available to all applicants (whether it is available at all depends on their tax filing situation). Students who cannot use the data transfer have to manually enter a lot of financial data that requires accessing tax forms or income data that they may not have readily available. The aid formulas used with the FAFSA data are complicated, making it difficult for students to predict how much financial aid they might receive. Even once a student completes a FAFSA, those whose incomes are low enough to receive a Pell Grant are more likely to be selected for a secondary review process known as verification. When that occurs, the student must provide the school with *additional* documentation of their financial information or family size. Students who do not complete verification when required cannot receive aid. Research shows that potentially hundreds of thousands of students do not receive federal financial aid each year because of the barriers in the financial aid process.

These barriers fall on students who are eligible for means-tested federal financial aid like Pell Grants, meaning they disproportionately affect students from low-income backgrounds who need financial assistance to pay for college. These students are also more likely to be the first in their families to attend college, and/or be Black, Latino, or Native American. The FAFSA can be particularly challenging for students whose incomes are below the tax filing threshold to

demonstrate their income. Past surveys by the National Center for Education Statistics have found that 10 percent of students did not fill out a FAFSA because they found the forms too complicated and that a quarter of Black students and one-third of Hispanic or Latino students who did not file a FAFSA did not do so because they didn't have the information needed to finish it.<sup>1</sup> Of those who do submit a FAFSA, roughly 3 million of them are selected for verification each year. The Department estimates that each year approximately 200,000 students experience verification "melt." This means that they fill out a FAFSA, are selected for verification, and never complete the process and thus do not receive aid. A 2021 Washington Post analysis found that students who lived in majority-Black zip codes were nearly two times more likely to be selected for verification than those who lived in majority-white zip codes.<sup>2</sup> For Hispanic or Latino students, the rate was 1.4 times that of white students.

The Department has already taken some actions to address the barriers and equity problems associated with verification. In summer 2021, the Department announced a temporary change to lower the verification rate to focus on identity theft and fraud. This significantly reduced the likelihood that a student would be selected for verification, particularly of income and/or family size, which are harder to complete. For future award years, the Department will review and improve its verification model, including the criteria it uses to select applicants for verification and the right share of applicants to be selected. In determining what the long-term improvements to verification will be, the Department will properly balance the need to protect the federal fiscal interest with ensuring that eligible students can easily access the federal aid to which they are entitled.

To address the complications of the FAFSA, Congress passed a bill in December 2020, the FAFSA Simplification Act, that changes the FAFSA and its application process. This law requires important changes to the student aid formula to increase affordability. The law also simplifies the FAFSA by eliminating unnecessary questions and making it easier for certain groups to access student aid, including incarcerated students and homeless and foster youth. The FAFSA Simplification Act complements another law passed in 2019, the Fostering Undergraduate Talent by Unlocking Resources for Education (FUTURE) Act, that allows the Department to more directly access necessary data from the IRS and automatically receive those data for multiple years. This will make it easier for applicants to renew their FAFSAs.

The FAFSA simplification process will be directly visible to the public as a new and updated version of the form launches each October 1 for millions of students and families to use. While the full suite of changes brought about by the FAFSA Simplification Act and FUTURE Act will be implemented in the 2024–25 award year, the office of Federal Student Aid (FSA) has already implemented some provisions and will implement more in the 2023–24 award year (which begins in October 2022), including collecting race, ethnicity, and gender data on FAFSA applicants for the first time and eliminating questions about drug convictions. With the new

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<sup>1</sup> <https://nces.ed.gov/pubs2018/2018061.pdf>

<sup>2</sup> <https://www.washingtonpost.com/education/2021/02/07/fafsa-verification-black-latino-college-aid/>

FAFSA questions on race and ethnicity and gender identity, the Department will be able to gain insight about certain sub-groups.

The Department has included specific goals related to the FAFSA application in the strategic plan for the office of Federal Student Aid, including increasing the share of high school seniors that submit a FAFSA and implementing various components of the law that allow for FAFSA simplification. To track progress on these issues, the Department produces robust statistics on the rate at which students file the FAFSA, including tracking results by the high school they attended. It also collects detailed statistics on FAFSA renewal, time to complete the form, and other data points related to using the form. The additional questions on race/ethnicity and gender will allow the Department to tap into new insights about the college-going, aid application, loan repayment, and other outcomes across student subgroups and develop policy solutions to support a more equitable higher education system.

**Pell Grants**—Pell Grants have been the foundation of low- and moderate-income students’ financial aid for decades. However, the value has diminished as college prices continue to rise. The President has committed to doubling the maximum Pell Grant. The path to doubling Pell starts with the President’s fiscal year 2022 Budget, which provides funding for the largest one-time increase ever. In addition to progress on doubling the maximum award, the Department will implement an important legislative change that will restore access to Pell Grants for students who are currently incarcerated. Postsecondary programs in prison have been shown to significantly improve the long-term recidivism and employment outcomes of formerly incarcerated students, a population that is disproportionately made up of individuals of color and low-income adults. The Department is in the process of developing regulations to implement this authority and will be able to award Pell Grants to eligible incarcerated students beginning on July 1, 2023.

**Completion and Equitable Funding**—To ensure equity, the Department must address longstanding disparities in college access and outcomes through a comprehensive strategy. Promoting student success and achieving equity requires that we identify and address the underlying, systemic barriers—those policies and practices that have been the drivers of inequitable outcomes. Students of color, low-income students, and other underrepresented students are more likely to attend institutions that are diverse and accessible, but lack the funding and resources needed to ensure students’ success.

The barriers to student success at under-resourced institutions—inadequate aid to persist and too little academic and other supports—disproportionately affect underrepresented student groups. Students of color are far more likely to leave school without earning a degree or credential, often holding student debt. For instance, while 66 percent of first-time white students and 75 percent of first-time Asian students who begin at a four-year institution complete college within six years; just 57 percent of Hispanic or Latino students and 42 percent of Black students attending four-year schools complete. For students attending other institutions, completion rates are lower across the board; 36 percent of white students and 40 percent of Asian students complete within one-and-a-half-times the expected length, compared with 32 percent of Hispanic or Latino students and 29 percent of Black students.

There are, however, very promising examples of success in the postsecondary education space. Some states, systems, and colleges have made enormous strides in addressing gaps within their institutions. For instance, the City University of New York's ASAP initiative provides comprehensive support and has doubled graduation rates; and Georgia State has brought an entrepreneurial approach to analyzing data and establishing interventions, improving completion rates by 23 percentage points while closing sizable gaps in completion for Black, Hispanic, Latino, and low-income students. Colleges around the country are taking an entrepreneurial approach to identifying and tackling disparities in students' outcomes. Still, in too many institutions, the status quo persists.

The Department intends to undertake a comprehensive approach to address these inequities and effect change, including by committing to:

- **Invest in HBCUs, TCUs, MSIs, community colleges, and other under-resourced public institutions:** Approximately three in four undergraduate students are enrolled in public colleges, and many of these institutions, like HBCUs, TCUs, and HSIs, educate significant numbers of students of color. Yet many of these inclusive institutions receive far fewer resources than better resourced institutions. By refocusing our efforts on these institutions, we will be able to build capacity at these schools to support college completion efforts. In addition to supporting funding for HBCUs, TCUs, MSIs, rural institutions, and under-resourced institutions, we will work to elevate the contributions of these institutions in reaching students of color. That work will include building communities of practice to support college completion efforts; taking needed steps to implement the HBCU Partners Act, which will strengthen federal support for HBCUs; and working with other federal agencies to expand access for these institutions to federal funding, including research dollars, to help strengthen their capacity. We will also promote efforts within states to rethink their allocations of resources to reverse the trend toward persistent underfunding of the institutions serving most of the low-income students and students of color in the state, both through the budget proposals and through outreach and technical assistance to those states.
- **Support institutions, systems, and states to raise completion rates for underserved students.** As already noted, college completion rates are too low. Students with disabilities [face](#) particular challenges in persistence and completion. And even when students graduate, there are significant disparities in the amount of time it takes different groups of students to finish their programs. In addition to continuing to engage with states, systems, and institutions to better understand the challenges they face and opportunities to help address those difficulties, we will work with them to address these persistent challenges, addressing the completion problems on the ground and providing the support for institutions to invest in their students' success. The Department will seek opportunities to prioritize college completion in existing Department programs (such as the institutional services and student services funds that we administer through the Office of Postsecondary Education) to support state and institutional reform efforts, such as evidence-based college completion interventions and investments in the infrastructure and use of student data to support a reform strategy at an institution. And we will

consider opportunities to bolster career pathways efforts that have evidence and scale, both by using our platform to connect with states and institutions and through technical assistance efforts. We will also continue to propose funding to support state and institutional college completion efforts driven by data and evidence.

- **Build a new vision of college excellence that makes inclusivity prestigious:** For too many institutions, selectivity and exclusivity are goals that help colleges climb the rankings and attract wealthier students. Institutions have too little incentive to meaningfully address poor college graduation rates and too much interest in limiting access to establish an air of exclusivity. Moreover, too often, many states have historically failed to adequately fund their open-access, minority serving, and under-resourced institutions, diverting disproportionate resources to exclusive flagship campuses. The Department will use its considerable platform to establish a new vision of college excellence that puts student success first. The Department will work to analyze data to identify the colleges that are raising their graduation rates and closing graduation gaps, lifting up those institutions at every opportunity. The Secretary will emphasize this vision through strategic travel and stakeholder communication, as will other Department officials, bringing the message to colleges on the ground that improvements are needed now. We will also encourage states to provide for more equitable funding structures, to ensure that under-resourced colleges have the funds they need to provide for a high-quality educational experience and promote positive student outcomes.

**Value**—Education beyond high school must not just be accessible to students; it must also provide a reasonable payoff for those students. The Department is committed to advancing career opportunity through higher education, helping students to find higher-value educational opportunities to support their long-term goals.

Not all postsecondary programs or institutions pay off, or pay off for all students. Extensive research has identified lower labor market earnings, higher levels of borrowing, and lower student loan repayment rates in some career training programs. About 19 percent of undergraduate certificate programs have median earnings among working graduates that are below 150 percent of the poverty line. Students who attend for-profit colleges, in particular, often have lower employment rates and earnings gains than students in programs at other nonprofit and public colleges. Students of color, particularly Black students, attend for-profit colleges at higher rates.

The Department is committed to taking action where institutions are failing students and taxpayers. Many of the schools that have been most predatory over the history of the federal student aid programs have—explicitly and implicitly—sought to enroll students of color. These schools have taken advantage of students’ access to federal student aid, often leaving them without valuable skills or credentials and with unaffordable debt that forms a barrier to additional and meaningful postsecondary education and training. We have recently announced the reinstatement of an [Enforcement Office at FSA](#). This office will use risk-based assessments to focus investigation and enforcement activities on the schools that pose the greatest risk to borrowers and taxpayers. Risk considerations include rates of unaffordable debt and student loan

default and other indicators that are commonly associated with schools that have disproportionately targeted and enrolled students of color. Our renewed focus on sophisticated and high-impact enforcement will mitigate this driver of racial inequality.

Additionally, the agency is threading many of these actions through its Agency Strategic Plan and Agency Priority Goals, a document that details the Department's planned strategies and activities to achieve the strategic goals and strategic objectives in the FY 2022 – FY 2026 Strategic Plan as well as the performance indicators that will be used to assess progress on the strategic objectives, embedding these efforts throughout internal and external policy development and implementation. We will also publicize this effort through a communications strategy that includes speeches and appearances, as well as public-facing messaging through social media, in the coming months to establish a clear vision and goal for the initiative; as well as to promote partnership and external accountability.

### **ACTION: Equitable Impact of ARP Funding for K-12 Students**

The Department is committed to the ARP's intended purpose of helping schools and communities recover from the pandemic. The Department will work to ensure that State educational agencies (SEAs) and local educational agencies (LEAs) use ARP ESSER funding to meet students' social, emotional, mental health, academic, and other needs, and close opportunity gaps that have been made worse during this period, so that all children and youth—and especially those who have been underserved or disproportionately impacted by the pandemic—receive the educational opportunities they need to thrive. Importantly, the law includes required set-asides to address the impact of learning loss at the state (SEA) and school district (LEA) levels that are integral to our strategy for equity-driven investment and student support. Specifically, the statute requires that SEAs and LEAs address the needs of certain student groups that are disproportionately impacted by the pandemic, including but not limited to students from low-income backgrounds, students with disabilities, multilingual learners, students experiencing homelessness, and migratory students, through evidence-based interventions:

- At the SEA level, the use of at least 5 percent of funds to address learning loss, 1 percent for summer enrichment programs, and 1 percent for comprehensive afterschool programs; and
- At the LEA level, the use of at least 20 percent of funds to address learning loss, and ensure that the interventions implemented respond to students' social, emotional, mental health, and academic needs.

SEAs and LEAs have considerable discretion in deciding how to use these resources to support students disproportionately impacted by the pandemic, and the oversight of ARP ESSER sets a high bar for meeting this mission. As such, the Department is committed to supporting states and districts in ways that advance inclusive planning for how they will use funds, select high-quality interventions, and provide transparency and accountability in the use of these historic resources.

The Department's actions to support compliance with these requirements include:

- **Requirement that all SEAs and LEAs complete public plans for the use of their ARP ESSER funds.** The Department requires all SEAs and LEAs to describe their funding strategy in ARP ESSER approved plans, including information about the required set-asides. All 52 SEA plans have been submitted to the Department and approved; all LEAs are required to submit plans to their SEA and make them available to the public. Many SEAs and LEAs are in the planning or early implementation phase for the use of ARP ESSER set-asides and the Department plans to continue to monitor implementation of SEA and LEA funding strategies.
- **Requirement for diverse and inclusive planning processes.** The Department has made clear that the best investment decisions will be made when those most impacted are at the table. Through an interim final rule, the Department therefore requires engagement in plan creation of the following groups at the SEA level (and similar requirements at the LEA level). Specific stakeholder groups must include:
  - Students
  - Families
  - Tribal Nations (if applicable)
  - Civil rights organizations (including disability rights organizations)
  - School and district administrators (including special education administrators)
  - Superintendents
  - Charter school leaders (if applicable)
  - Teachers, principals, school leaders, other educators, school staff, and their unions
  - Stakeholders representing the interests of children with disabilities, English learners, children experiencing homelessness, children and youth in foster care, migratory students, children who are incarcerated, and other underserved students.
- **Transparency on the use of funds at the SEA and LEA levels.** The Department has established revised annual program reporting requirements to gauge progress against established goals and targets, as well as hold SEAs and LEAs accountable for spending funds as the law requires. Importantly, through this data collection, the Department also seeks to understand the impact on students and schools disproportionately impacted by the pandemic. These include the following elements (many of which will be required starting in prospective reporting periods):
  - How each SEA and LEA identified students most impacted by the pandemic;
  - How each SEA and LEA allocated funds to ensure support for students most impacted by the pandemic;
  - Specific uses of funds for evidence-based interventions at the SEA and LEA levels;
  - How the LEA's choice of evidence-based interventions meets the needs of each underserved student group;
  - Strategies each LEA used to re-engage students with poor attendance or participation;
  - Number of students participating in evidence-based interventions (disaggregated) and whether services are universal or targeted; and

- Provision of educators and other school staff (including school counselors, school nurses, and mental health providers).

The reporting requirements for ARP ESSER will collect a greater level of detail on how SEAs and LEAs are using the funds than will be available for CARES or CRRSA. The Department provides ongoing technical assistance to grantees on meeting the reporting requirements.

- **Maintain fiscal equity.** Maintenance of equity (MoEquity) is a new set of fiscal requirements in ARP ESSER designed to ensure that SEAs and LEAs do not disproportionately reduce per-pupil funding to districts and schools. The Department continues to monitor and provide technical assistance to grantees on MoEquity through webinars and office hours. The Department also meets with states one-on-one to answer specific questions.
- **ARP PATHS resource for states.** ARP PATHS—the Partnership, Assistance, Transformation, and Heightened Support—resource for states is a newly implemented framework and self-assessment intended to support SEAs in communicating how they are working to achieve our shared goals of ensuring that ARP ESSER funds are used appropriately and effectively as intended by the law, and are targeted to support the students most impacted by the pandemic.
- **Technical assistance to support states and districts.** The Department’s robust strategy for technical assistance includes formal and informal guidance, webinars, continuous outreach, and targeted support to states and districts based on their individual needs. In addition, the Department has created multi-state communities of practice to help states and school districts build effective partnerships. Following the *Summer Learning and Enrichment Collaborative* in 2021, the Department announced new opportunities for 2022 including a community of practice focused on *Evidence-Based Interventions: Using American Rescue Plan Resources to Accelerate Learning*. Participants will explore different evidence-based strategies to accelerate learning and build their organizational capacity to support districts and schools in implementing these practices with fidelity, and using the ARP ESSER funds for evidence-based interventions such as high-dosage tutoring and expanded learning time, with a focus on students most impacted by the pandemic.

Overall, preliminary statewide summative assessment data from the 2020-21 school year indicate declines in student proficiency in reading and math in many states. The ARP ESSER funds are intended under the statute to be used to both reverse these declines (as measured by a variety of types of assessments designed to reliably and validly measure student outcomes on the uses for which they are intended) and to address the pre-existing opportunity gaps that disproportionately impacted the students most impacted by the pandemic.

The Department will continue to communicate progress to the public and to stakeholders on a regular basis through multiple mediums available to staff, including emails and programmatic communication. As part of this effort, the Department is committed to an ongoing, robust, and inclusive external engagement strategy to amplify the voices of families, students, educators, and other community stakeholders in implementing these objectives. Additionally, the Department’s

goals to ensure equitable implementation of ARP ESSER funds will be reflected in the Agency Strategic Plan and in guidance and broader technical assistance offered by the Department throughout the ARP ESSER grant period.

### **ACTION: Civil Rights Data Collection (CRDC)**

The Department's OCR works to ensure equal access to education and to promote educational excellence. OCR achieves this goal through vigorous enforcement of Federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, and age by recipients of Department funding. Since 1968, OCR has administered the CRDC, a biennial, mandatory survey of the nation's public schools, which has collected data on key education and civil rights issues. The CRDC gathers and publishes information about student enrollment, access to courses, teachers and other school staff and school climate factors, such as student discipline and harassment and bullying, from public schools (early childhood through 12th grade) in all 50 states, D.C., and Puerto Rico. Much of the data collected are disaggregated by race/ethnicity, sex, English learners, and disability status, which allow OCR to identify potential educational inequities and to address them through technical assistance to schools or school districts or enforcement activities, such as the investigation of discrimination complaints. Also, the data are used by other Department offices and federal agencies, and by policymakers and researchers outside the Department.

In August 2021, OCR made the historic decision to collect data from the 2020-21 and 2021-22 school years, marking the first time OCR has conducted civil rights data collection from all public schools two school years in a row instead of every other year. The additional collection will allow the Department to identify inequities in educational opportunities as the country continues to grapple with the COVID-19 pandemic and its effects on students' academic, social, and emotional development.

School districts began submitting data to OCR from the 2020-21 school year in December 2021 and will continue to do so through February 2022. For the 2020-21 CRDC, OCR is collecting crucial data about students' access to virtual and/or in-person instruction as well as to devices that could access the Internet. Specifically, to better understand how the pandemic has impacted the way that schools provided instructions to students during the 2020-21 school year, OCR has added directions to the survey to determine whether schools offered in-person instruction only, virtual instruction only, or a hybrid of both instructional methods. Additionally, to ensure the submission of accurate data, OCR has added instructions to the survey to distinguish between distance education courses that were provided before the coronavirus pandemic and virtual instruction that was provided in response to the coronavirus pandemic. Distance education data is important to help understand access students have to various forms of educational opportunities that are credit-granting; delivered through technology via audio, video (live or prerecorded), the Internet, or other computer-based technology (e.g., via district network); and provided to students through an instructor in a different location than students participating in the program. This is especially true for students who may be unable to attend traditional schools. The CRDC

is collecting distance education course enrollment data disaggregated by race/ethnicity, sex, English learners and students receiving services under IDEA.

OCR is seeking public input on a proposed 2021-22 CRDC.<sup>3</sup> OCR has proposed, among other things, restoring data elements removed during the previous administration that have long been useful to both OCR and the Department in identifying racial disparities and inequities in students' access to educational programs and staff, such as early childhood, preschool, and kindergarten programs; credit recovery programs; advanced placement courses; and teachers. OCR proposes to restore the count of teachers employed at schools and to begin collecting these data by race/ethnicity and sex. Also, OCR proposes to collect full-time equivalent counts of teachers certified to teach in mathematics, science, special education, and English as a second language. Teacher certification data will shed light on teacher resources that are and are not available at schools to meet the needs of students. For example, the data will reflect whether schools educating students with disabilities served by the Individuals with Disabilities Education Act employ teachers who are certified to teach special education, and in what percentages.

As OCR conducts one collection and prepares for another, data quality remains a priority. OCR has made several improvements to the CRDC data systems and processes to improve and ensure the quality of the data submitted by school districts, including: 1) accepting data correction requests from school districts after the submission period closes; 2) providing instructions on how to accurately report zeros to assist school districts with distinguishing between data that are collected and represent actual counts of zero and data that are not collected; and 3) updating the CRDC data submission system to perform validation checks on data as they are entered or uploaded into the system, flagging actual or potential data errors and giving submitters an opportunity to correct or explain the entries.

For more information about the CRDC and to access issue briefs highlighting inequities in our nation's schools, please visit <https://www2.ed.gov/about/offices/list/ocr/data.html>.

### **ACTION: Contracting and Procurement**

To ensure that its contracting and procurement processes are more equitable, the Department is proactively exploring strategies to more effectively leverage the requirements of the Federal Acquisition Regulation (FAR) to establish equity-based guidelines that promote the effective utilization of solicitation language, proposal evaluation techniques, and vendor engagement strategies to identify and minimize any barriers to full and equal participation of members of historically underserved communities in procurement and contracts activities.

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<sup>3</sup> See, Federal Register, U.S. Department of Education, Office for Civil Rights, Agency Information Collection Activities; Comment Request; Mandatory Civil Rights Data Collection, Vol. 86, No. 236, 70831 Dec. 13, 2021, <https://www.federalregister.gov/documents/2021/12/13/2021-26873/agency-information-collection-activities-comment-request-mandatory-civil-rights-data-collection>.

To obtain a baseline for the work ahead, the agency analyzed data related to underserved communities extracted from the Federal Procurement Data System – Next Generation (FPDS-NG), the recognized authoritative source for contract information. According to this data, minority owned small businesses receive about 20 percent of total actions, but they receive significantly fewer overall dollars and so the Department is identifying opportunities to award higher dollar actions to minority owned small businesses, consistent with the authorizing statute and regulations governing minority owned small business contract awards. For Fiscal Year 2020, minority owned small businesses only accounted for 11 percent of the agency’s total procurement spending. Meanwhile, the Department achieved an 8 percent (\$231.9M) rate of spend for the small and disadvantaged business category, calculated as a percentage of small business eligible dollars. Overall, the Department’s total procurement spending has increased annually; however, it is not clear that opportunities for minority owned small businesses are increasing proportionally.

Now that the agency has data on the specific underserved communities, we are developing strategies to proactively engage policy influencers, key stakeholders, community leaders, and other significant decision makers to create more procurement opportunities by removing or mitigating barriers. Consistent with our baseline data discussed above, we have identified these barriers as insufficient use of small business set asides and insufficient vendor diversity, which inhibits opportunities for new small businesses to establish partnerships with large businesses. We are focusing on increasing the number of actions and corresponding dollar amounts associated with historically underserved communities. To do this, the Department’s Industry Liaison jointly with the agency’s Office of Small and Disadvantaged Business Utilization (OSDBU) will host quarterly Equity Round Table Discussions with representatives of underserved communities to discuss areas of concern, identify barriers, and formulate realistic strategies to help these communities address as many barriers as possible. These discussions will provide insight into how to help further direct our effort and attention. Additionally, we hope to gain a better understanding of the types of deterrents to participation in procurement and contracts activities that various underserved communities face, as we believe that different communities may face different constraints and have different concerns.

Also, we will continue to promote the Department’s OSDBU Outreach Plan for Minority Owned Small Business, as it lays out the specific related guidance.

The objective of this plan is to address and mitigate potential barriers that underserved communities and individuals may face in taking advantage of agency procurement and contracting opportunities. To ensure progress is being made, OSDBU is meeting with the League of United Latin American Citizens (LULAC) and Northern Virginia Hispanic Chamber of Commerce (NVHCC) to discuss what the Department can do to further support Hispanic Owned Businesses, as well as developing a relationship with the U.S. Pan Asian American Chamber of Commerce (USPAACC). In addition, OSDBU is meeting with the Black Chamber Presidents Circle to discuss strategies to support Black owned small businesses.

The Department will use various outreach and internal approaches to advance its strategy for equity in procurement. For example, the Department will focus on outreach strategies that

promote small business development programs and that increase participation of small, disadvantaged firms, and require prime contractors to increase subcontracting opportunities for small, disadvantaged businesses as well as protect small businesses from contract bundling. And the Department will focus on internal strategies that increase staff awareness and understanding of small business contracting. We believe that these efforts will result in increased procurement opportunities for traditionally underserved communities.

The Department will work with its Senior Executive Service (SES) to ensure executive performance plans address progress towards our achievement of the small business contracting goals. This management action will focus needed attention, proactive engagement, and accountability by the Department's senior leadership. The executive performance plan will apply to senior leaders and program officials who participate in, or oversee personnel who participate in, planning acquisitions and selecting contractors to support their programs and projects.

### **ACTION: Grant Process Strategies**

The Department pursues its mission by funding programs that will improve access to high-quality educational opportunities and programs that pursue innovations in teaching and learning with a focus on underserved students. Most of this funding is delivered through the Department's approximately 270 grant programs. Of those grant programs, approximately 79 grant programs are discretionary grant programs where funds can be awarded to SEAs; LEAs; State, local, or Tribal governments (including Tribal education agencies); nonprofit organizations; institutions of higher education; and other entities through a competitive process referred to as a grant competition. Within grantmaking, we know that there is disparity in how they are funded because of the number of entities that are repeatedly awarded within these competitions. Traditionally underserved populations can lack experience, access to resources for successful grant writing, access to the networks for support in grant writing and the awareness of opportunities for funding. The strategies which we have undertaken attempt to overcome these barriers and hopefully create less disparity in who is awarded funds.

**Increasing Peer Reviewer Diversity**—Each year, the Department convenes panels of external education professionals and practitioners to serve as peer reviewers of grant applications. Peer reviewers evaluate and score submitted applications against program-specific criteria and announced priorities. Application scores are then used to inform the Secretary's funding decisions. This Executive Order directs the Department to “assess whether underserved communities and their members face systemic barriers in accessing benefits and opportunities available pursuant to those policies and programs.”

We believe that increasing the diversity of peer reviewers is an important element of the Department's efforts to implement this Executive Order. As a result, the Department is particularly interested in peer reviewers who represent diverse experiences and perspectives and whose expertise pertains to certain grant competitions. For example, peer reviewers will review applications that focus on projects such as:

- special education programs;
- education innovation and research;
- American Indian/Alaska Native education;
- educational quality, management, and financial stability at colleges and universities that enroll high numbers of underserved students;
- high-quality support services to improve retention and graduation rates of students who are low income or first-generation college students or individuals with disabilities; and
- vocational rehabilitation programs.

The Department announced opportunities for individuals to participate in its peer review process by reviewing applications for competitive grant funding under multiple programs through a notice in the [Federal Register](#) and the recruitment of new peer reviewers is an ongoing process for our grantmaking offices. Expanding our pool of peer reviewers helps ensure that applications are assessed by individuals with up-to-date and relevant knowledge of educational interventions and practices across the learning continuum, from early education to college and career, and in a variety of learning settings. Department peer reviewers are education professionals who have gained subject matter expertise through their education and work such as teachers, professors, principals, administrators, school counselors, researchers, evaluators, content developers, or vocational rehabilitation professionals or interpreters. In this way, peer reviewers can clearly support the Department’s implementation of Executive Order 13985, and the availability of prospective reviewers. In addition to the notice, program offices have extended their recruitment to online platforms, periodicals and structured templates for outreach plans that vary by program office. By recruiting peer reviewers with broader experience, we can ensure that applications are evaluated by individuals who represent diverse experiences and perspectives and whose expertise allows for all entities to access benefits and opportunities available through Department grant programs. We are convening a cross-agency group to discuss further ways to increase peer reviewer recruitment, implementing better tracking systems to help us assess peer reviewer experience and diversity, evaluating honorarium pay to ensure that peer reviewers are being equitably compensated for their work and developing standardized training for peer reviewers to ensure coordinated training and give support to newer reviewers.

**Increasing Equity Considerations from Grant Applicants**—As part of its efforts to implement this Executive Order, the Department will also revise the standard form required under Section 427 of the General Education Provisions Act (GEPA). Under Section 427, each applicant for assistance under an applicable program must describe in its application the steps the applicant proposes to take to ensure equitable access to, and equitable participation in, the project or activity to be conducted with such assistance, by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, and age. Since GEPA Section 427 was added by Congress in 1994, the Department will consider its experience with the form over the last 27 years with the goal of increasing its effectiveness in advancing equity in Department grant programs.

For example, the form currently provides a few examples of steps that applicants may propose to ensure equitable access and equitable participation, but it does not include any specific questions or prompts and allows grantees considerable flexibility in how they may respond. Although the form addresses the statutory requirements, the Department has found in practice that most grant applicants provide formulaic statements regarding equitable access and participation in their proposed projects, and do not delineate detailed and specific steps that are integrated into their project to achieve these goals. Additionally, the Department plans to initiate a more active review of the forms and provide technical advice to applicants on how to develop specific and actionable steps. Finally, GEPA Section 427 gives the Department the authority to establish criteria to meaningfully implement this provision. To this end, the Department intends to revise its regulations on the selection criteria used to evaluate applications submitted in a grant competition to allow nonfederal peer reviewers to assess the way in which an applicant integrates equity into its proposed project.

**Building an Equity Dashboard**—To inform our strategies for improving the grantmaking process, the Department continues to collect and analyze data on educational equity. Following a framework developed by the National Academies of Sciences, the Department is building a publicly facing Equity in Education dashboard. The Department will populate this dashboard with metrics recommended by the Academies’ 2019 *Monitoring Educational Equity* report using data derived from a variety of federal sources. The dashboard is meant to: (1) provide the public accurate information on equity in the nation’s education system, (2) provide the Department and other stakeholders a “single source of truth” accompanied by statistically appropriate, plain-language interpretations, and (3) assist the Department and other stakeholders in identifying gaps in our collective capacity to understand equity in education. The initial version of the dashboard, which curates relevant, national-level data, is currently in development by the Institute of Education Sciences’ National Center for Education Statistics. Subsequent versions of the data could incorporate graphical renderings of key data elements and present data at State and local levels to show trends across grantees.

Concurrently, Department communications and data professionals continue to explore how the science of data storytelling can promote equity in our grantmaking. Data visualizations present an opportunity to engage the public in key education topics, including expanded awareness of historical education inequities among underserved communities. The Department has increased its capacity to use data visualizations by identifying and prioritizing topics in grantmaking equity for data visualization, advancing cross-functional trainings in data visualization, and initiating data visualization and storytelling competitions. This initiative is designed to improve policy and other communications with external stakeholders by leveraging the power of data, and support development of insights for more effective internal communications as well. As we actively collect the data, we are also working to identify the best medium for dissemination to create meaningful change by removing barriers for underrepresented populations in grantmaking.